

PATENT

FILE NO.: R0288-00010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Chan-Chong et al.

App. Serial No.: 10/606,028

Examiner: Not Assigned

Filing date: June 25, 2003

Group Art Unit: 2154

For: METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF  
APPLICATIONS IN A DISTRIBUTED ENVIRONMENT

**STATEMENT OF FACTS IN SUPPORT OF  
FILING ON BEHALF OF NONSIGNING INVENTOR (HENRY TANG)**

I, Joseph L. Chan, aver as follows:

(1) I am a co-inventor in the above-captioned patent application. I am employed by Cyanea Systems Corp. ("Cyanea").

(2) Henry Tang is a co-inventor in this application. Said Henry Tang is a former employee of Cyanea. On or about October 28, 2003, I sent a letter, a copy of which is attached as Exhibit A, to the most recent address of Mr. Tang in Cyanea's files. This letter enclosed a form of Combined Declaration and Power of Attorney, a form of Assignment, and a copy of the above-captioned patent application as filed. The letter states that Mr. Tang's signature is required "on the Combined Declaration and Power of Attorney/Assignment." The letter stated that completion was needed by November 10, 2003.

(3) The letter was sent to Mr. Tang by Certified Mail. Cyanea received a return receipt showing that Mr. Tang received the letter on November 1, 2003, and a copy of the return receipt is shown in Exhibit A.

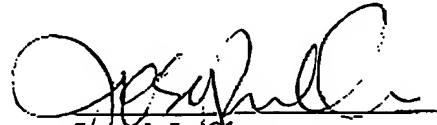
I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are

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**PATENT****FILE NO.: R0288-00010**

punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements made jeopardize the validity of the application or any patent issued thereof.

Dated: 11/17, 2003

  
Joseph L. Chan

Cyanea

October 28, 2003

**VIA CERTIFIED MAIL**

Henry Tang  
1751 Magnolia Way  
Walnut Creek, California 94595

**RE: U.S. Utility Patent Application No. 10/606,028**  
**Inventor: James Chan-Shin Chong, et al**  
**For: "METHOD AND SYSTEM FOR MONITORING PERFORMANCE**  
**OF APPLICATIONS IN A DISTRIBUTED ENVIRONMENT"**  
**Filed: June 25, 2003**  
**DM File No.: R0288-00010**

Dear Henry:

You are named as an inventor in the above referenced patent application. Your signature is required on the Combined Declaration and Power of Attorney/Assignment in order for the law firm to complete Cyanea's patent application. Under the terms and conditions of the Cyanea Systems Corp. Confidential Information and Invention Assignment Agreement you signed at the start of your employment, you are obligated to provide this information. The following documents are enclosed:

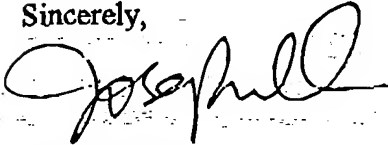
1. Patent application
2. Combined Declaration and Power of Attorney/Assignment
3. Copy of your executed Confidential Information and Invention Assignment Agreement

You must sign and date the Assignment in the presence of a notary. If you choose to complete this notary process on your own, Cyanea will reimburse you for any incurred notary expenses as well as expedited overnight FedEx charges for delivery to Cyanea. If you would like, Aundrea Cooper can arrange for a notary to meet you at a reasonable time and location. In either case, please contact Aundrea Cooper at 510-587-7012.

Henry Tang  
October 28, 2003  
Page 2

We need this completed by Monday, November 10, 2003. Please give me (925-683-2938) or Aundrea a call if you have any questions or need assistance.

Sincerely,



Joseph Chan  
Chief Technology Officer

JC/amc

Enclosures

7003 0500 0000 4201 7029

# U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT

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Sent To Henry Tang  
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1. Article Addressed to:

Henry Tang  
1751 Magnolia Way  
Walnut Creek, CA 94595

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PATENT

FILE NO.: R0288-00010

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: James Chan-Chong et al.

App. Serial No.: 10/606,028

Examiner: Not Assigned

Filing date: June 25, 2003

Group Art Unit: 2154

For: METHOD AND SYSTEM FOR MONITORING PERFORMANCE OF  
APPLICATIONS IN A DISTRIBUTED ENVIRONMENT

STATEMENT OF FACTS IN SUPPORT OF  
FILING ON BEHALF OF NONSIGNING INVENTOR  
(CHRISTOPHER M. ZYCHOWSKI)

I, Joseph L. Chan, aver as follows:

- (1) I am a co-inventor in the above-captioned patent application. I am employed by Cyanca Systems Corp. ("Cyanea").
- (2) Christopher M. Zychowski is a co-inventor in this application. Said Christopher M. Zychowski is a former employee of Cyanea. On or about October 28, 2003, I sent a letter, a copy of which is attached as Exhibit A, to the most recent address of Mr. Zychowski in Cyanea's files. This letter enclosed a form of Combined Declaration and Power of Attorney, a form of Assignment, and a copy of the above-captioned patent application as filed. The letter states that Mr. Zychowski's signature is required "on the Combined Declaration and Power of Attorney/Assignment." The letter stated that completion was needed by November 10, 2003.
- (3) The letter was sent to Mr. Zychowski by Certified Mail. Cyanea received a return receipt, advising of a new address for Mr. Zychowski, and showing that the letter was delivered on November 10, 2003, and a copy of the return receipt is shown in Exhibit A.

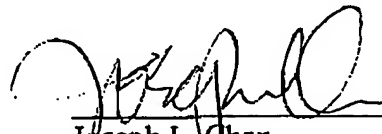
I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are

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**PATENT****FILE NO.: R0288-00010**

punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements made jeopardize the validity of the application or any patent issued thereof.

Dated: 11/17, 2003

  
\_\_\_\_\_  
Joseph L. Chan

Cyanea

October 28, 2003

**VIA CERTIFIED MAIL**

Chris Zychowski  
550 Stanyan Street #9  
San Francisco, California 94117

**RE: U.S. Utility Patent Application No. 10/606,028**  
**Inventor: James Chan-Shin Chong, et al**  
**For: "METHOD AND SYSTEM FOR MONITORING PERFORMANCE**  
**OF APPLICATIONS IN A DISTRIBUTED ENVIRONMENT"**  
**Filed: June 25, 2003**  
**DM File No: R0288-00010**

Dear Chris:

You are named as an inventor in the above referenced patent application. Your signature is required on the Combined Declaration and Power of Attorney/Assignment in order for the law firm to complete Cyanea's patent application. Under the terms and conditions of the Cyanea Systems Corp. Confidential Information and Invention Assignment Agreement you signed at the start of your employment, you are obligated to provide this information. The following documents are enclosed:

1. Patent application
2. Combined Declaration and Power of Attorney/Assignment
3. Copy of your executed Confidential Information and Invention Assignment Agreement

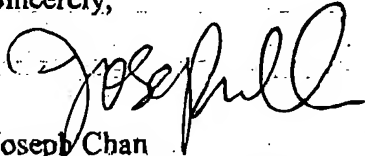
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Chris Zychowski  
October 28, 2003  
Page 2

We need this completed by Monday, November 10, 2003. Please give me (925-683-2938) or Aundrea a call if you have any questions or need assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joseph Chan', written over a horizontal line.

Joseph Chan  
Chief Technology Officer

JC/amc

Enclosures

7003 0500 0000 4201 7036

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Restricted Delivery Fee (Endorsement Required)	\$0.00
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10/29/2003

Sent to: **Chris Zychowski**  
 Street, Apt. No., or PO Box No. **550 Stanton St #9**  
 City, State, ZIP+4 **SE CA 94117**

PS Form 3800, June 2002 See Reverse for Instructions

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1. Article Addressed to:		B. Received by (Printed Name)	
Chris Zychowski		C. Date of Delivery	
ZYCH550 941172021 1703 16 11/06/03		D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below: <b>NOV 10 2003</b>	
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